PATENT COOPERATION TREATY

From the INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY ATY-INSTR RE WU: 10/6/05 100 ATY- RESPONSE REWY: 10/13/05/M GEORGE H. GATES **GATES & COOPER LLP** 6701 CENTER DRIVE WEST, SUITE 1050 WRITTEN OPINION OF THE LOS ANGELES, CA 90045 INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY (PCT Rule 66) Date of mailing (day/month/year) REPLY DUE Applicant's or agent's file reference within 1 months/days from the above date of mailing 30794108WO01 International filing date (day/month/year) Priority date (day/month/year) International application No. 09 December 2003 (09.12.2003) PCT/US03/39211 International Patent Classification (IPC) or both national classification and IPC IPC(7): H01L 21/465, 29/06, 29/20, 33/00 and US Cl.: 257/98, 103; 438/43, 47 Applicant FUЛІ ET AL. The written opinion established by the International Searching Authority: Gates & Cooper the considered to be a written opinion of the International Preliminary Examining Authority. second (first, etc.) opinion contains indications relating to the following items: 2 This Box No. I Basis of the opinion Box No. II Priority Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability Box No. IV Lack of unity of invention Box No. V Reasoned statement under Rule 66.2 (a)(ii) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement Box No. VI Certain documents cited Box No. VII Certain defects in the international application Box No. VIII Certain observations on the international application 3. The applicant is hereby invited to reply to this opinion. When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(e). How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis. Also For an informal communication with the examiner, see Rule 66.6. For an additional opportunity to submit amendments, see Rule 66.4. If no reply is filed, the international preliminary examination report will be established on the basis of this opinion. 4. The final date by which the international preliminary report on patentability (Chapter II of the PCT) must be established according to Rule 69.2 is: 09 April 2006 (09.04.2006) Name and mailing address of the IPEA/ US Authorized officer **DEBORAH A. THOMAS** Mail Stop PCT, Attn: IPEA/US Commissioner for Patents PARALEGAL SPECIALIST Tom Thomas P.O. Box 1450 Alexandria, Virginia 22313-1450 Telephone No. 571-272-1630 Facsimile No. (703) 305-3230

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WRITTEN OPINION OF THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

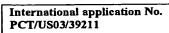
Во	x No.	I	Basis of the opinion
1.	With langu	reg	ard to the language, this opinion has been established on the basis of the international application in the in which it was filed, unless otherwise indicated under this item.
			s opinion is based on a translation from the original language into the following language, ich is the language of a translation furnished for the purposes of:
			international search (under Rules 12.3 and 23.1(b))
			publication of the international application (under Rule 12.4)
			international preliminary examination (under Rules 55.2 and/or 55.3)
2.	which	ı ha	rd to the elements of the international application, this opinion has been established on the basis of (replacement sheets been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as ly filed."):
		the	international application as originally filed/furnished
	\boxtimes	the	description:
			ges 1-15 as originally filed/furnished
			received by this Authority on
		pag	received by this Authority on
	\boxtimes	the	claims:
		pag	ges NONE as originally filed/furnished
		pag	ges NONE as amended (together with any statement) under Article 19
			received by this Authority on 23 May 2005 (23.05.2005)
		pag	received by this Authority on
	\boxtimes	the	drawings:
			ges 1/10-10/10 as originally filed/furnished
		-	ges NONE received by this Authority on
		pag	res NONE received by this Authority on
		a s	equence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3.		Th	e amendments have resulted in the cancellation of:
		L	the description, pages
			the claims, Nos.
			the drawings, sheets/figs
		〒	the sequence listing (specify):
		Ē	any table(s) related to the sequence listing (specify):
4.			s opinion has been established as if (some of) the amendments had not been made, since they have been considered to go ond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
			the description, pages
		\vdash	the claims, Nos.
		F	the drawings, sheets/figs
		늗	the sequence listing (specify):
		늗	
		Ц	any table(s) related to the sequence listing (specify):

WRITTEN OPINION OF THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

International application No. PCT/US03/39211

Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement						
1. Statement						
Novelty (N)	Claims	NONE	_YES			
, ,		1-18	NO			
Inventive Step (IS)	Claims	NONE	_YES			
	Claims	1-18	_NO			
Industrial Applicability (IA)	Claims	1-18	_YES			
		NONE	_NO			
2. Citations and Explanations: Claims 1-18 lack novelty under PCT Article 33(2) as being anticipated by Sugiyama et al. See figure 5B of Sugiyama where the N-face of a GaN based led is roughened into cone-shaped projections to improve the light emission properties of the device. The cones are also produced by etching. Claims 1-18 are anticipated by Sugiyama.						
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Supplemental Box (To be used when the space in any of the preceding boxes is not sufficient.)						
	TIME LIMIT: The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.					